

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

REBECCA J. DAVISON

APPELLANT,

**v.
DAIRY FARMERS OF AMERICA,
INC.**

RESPONDENT.

DOCKET NUMBER WD77151

DATE: September 30, 2014

Appeal From:

Platte County Circuit Court
The Honorable Dennis C. Eckold, Judge

Appellate Judges:

Division Four: Alok Ahuja, Chief Judge, Presiding, Cynthia L. Martin, Judge and David H. Miller, Special Judge

Attorneys:

Theodore C. Beckett III and Jeffrey M. Hensley, Kansas City, MO, for appellant.

Patrick F. Hulla, Kansas City, MO and David L. Schenberg, St. Louis, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
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REBECCA J. DAVISON,

APPELLANT,

v.

**DAIRY FARMERS OF AMERICA,
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RESPONDENT.

No. WD77151

Platte County

Before Division Four: Alok Ahuja, Chief Judge, Presiding, Cynthia L. Martin, Judge and David H. Miller, Special Judge

Rebecca Davison appeals the dismissal of her age discrimination lawsuit against Dairy Farmers of America, Inc. Davison asserts that the trial court erred in dismissing her action as time barred because the savings statute, section 516.230, permitted her suit to be re-filed within a year of its voluntary dismissal.

AFFIRM

1. Section 516.230, Missouri's savings statute, is not applicable to all civil actions. Its application is limited to causes of action, limitations for which are prescribed by section 516.010 to section 516.370.

2. The statute of limitations for MHRA claims is not prescribed by section 516.010 to section 516.370. It is prescribed by section 213.111.1.

3. Section 516.300 states that the provisions of sections 516.010 to 516.370 do not extend to any action which is or shall be otherwise limited by any statute.

4. Section 213.101 does not compel a different conclusion. Its directive that the provisions of chapter 213 are to be construed to accomplish the purposes thereof and that any law inconsistent with any provision of the chapter shall not apply do not permit us to disregard the plain language of sections 516.230 and 516.300, and do not permit us to read a savings provision into chapter 213 that is not expressed.

Opinion by Cynthia L. Martin, Judge

September 30, 2014

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